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Summary of Stakeholders' submissions on Serbia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 20 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Protector of Citizens of the Republic of Serbia (POR.) stated that in the past period, the state had jeopardized its independence and working conditions, including through a media campaign the highest state officials took part in.[2] POR. asserted that its financial, organizational and functional independence was jeopardized by the imposing of additional administrative procedures, both for the allocation of budgetary funds and the recruitment of new employees.[3] POR. recommended that Serbia adopt amendments to the Law on the POR. to strengthen its mandate and independence and abandon the idea of establishing a special ombudsman for the rights of the child, which would lead to institutional dissipation, but instead strengthen the capacities of the POR. in the field of the rights of the child.[4]

3. POR. asserted that the National Preventive Mechanism for Torture (NPM) had not been strengthened and recommended strengthening its human resources.[5]

4. POR. recommended that Serbia adopt the law governing same-sex partnerships and a law regulating the legal consequences of sex and gender identity adjustment (change), amend the Law on the basics of the education system to explicitly prohibit discrimination

* The present document was not edited before being sent to United Nations translation services.

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based on sexual orientation and gender identity and amend the Criminal Code, in order to explicitly criminalize racism and intolerance based on sexual orientation and gender identity."

5. POR considered necessary to change the manner judges were elected in order to ensure their independence.[7] POR stated that the lack of free legal aid was a barrier to the access to justice for the members of vulnerable groups and recommended adopting the Law on Free Legal Aid.[8]

6. POR noted efforts of authorities to improve the treatment of prisoners, although numerous improvements in accommodation conditions needed to be intensified.[9] POR recommended increasing the effectiveness of internal oversight mechanisms in order to contribute to ensuring the respect for the rights of persons deprived of their liberty.[10]

7. POR indicated that pressure on the media was visible in various ways, from open to hidden forms and that it had continuously warned about threats to journalists, the suppression of media freedom, censorship and self-censorship.[11] POR stated the overall environment in Serbia was not suitable for the full exercise of the right to freedom of expression.[12]

8. POR asserted that the new Law on Public Assembly adopted in 2016 limited freedom of assembly, as spatial and temporal restrictions on freedom of assembly envisaged in it were not in accordance with the Constitution.[13]

9. POR stated that the protection of women against violence was not efficient enough.[14] POR recommended that Serbia adopt a National Strategy for the Prevention and Suppression of Domestic Violence and Partnerships and an Action Plan and to ensure measures on violence prevention were taken and a network of services for women victims of violence was put in place.[15]

10. POR recommended that Serbia adopt the Law on Gender Equality in line with international standards, uphold the principle of equal opportunities and increase the representation of women in managerial positions.[16]

11. POR indicated that there was no system in place to prevent and combat the living conditions and work of children on the street.[17] POR asserted that the Law on Public Law and Order did not treat children involved in child begging, prostitution and other forms of exploitation as victims.[18] POR recommended that Serbia ensure children living and working on the street be treated as victims and ensure they improve their conditions through education, provision of health, social protection and access to justice.[19]

12. POR indicated that despite a special Law on the Prevention of Discrimination against Persons with Disabilities was adopted, discrimination based on disability was still one of the most frequent forms of discrimination in Serbia.[20] POR underscored the high rate of unemployment of persons with disabilities as well as their difficulties to exercise their rights to health, insurance, education and pension.[21]

13. POR indicated that there was no effective concept of deinstitutionalization that foresaw creating living conditions of persons with mental and/or intellectual disabilities in the local community.[22] POR recommended, inter alia, to establish an independent monitoring mechanism for the implementation of the Convention on the Rights of Persons with Disabilities, provide a financially sustainable system of services for them, improve the legal framework and implement measures to increase their employment.[23]

14. POR considered necessary to develop preventive measures and activities in order to prevent the growing phenomenon of segregated classes and schools, in which most of the students were Roma, as well as the measures of desegregation.[24] POR asserted that socio-economic status of the Roma national minority required development of institutional capacities and an efficient monitoring and implementation of planned measures and activities.[25]

15. POR highlighted the importance of legal security for the child and of providing his or her registration at birth regardless of the status of the child's mother.[26]

III. Information provided by other stakeholders

A. National human rights framework[15]

16. Council of Europe (CoE) highlighted that the CoE-Commissioner had expressed his concern at reports concerning concerted efforts by certain politicians and some media to cast shadows over the Ombudsman's independence and moral statute and urged the Prime Minister and his government to take all necessary measures to fully safeguard the Serbian Ombudsman's integrity and that of his Office.[16]

17. JS1 noted deficiencies in the Protector of Citizens, including the lack of a child friendly complaint procedure and recommended that Serbia urgently establish a special institute of the child rights protector who, with the handling of complaints as part of its jurisdiction.[17]

18. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) invited Serbian authorities to maintain, and possibly increase, the current level of funding devoted to the National Prevention Mechanism (NPM) within the budget of the Ombudsman's Office and suggested that consideration be given to setting up a separate NPM unit or department within the Ombudsman's Office.[18]

19. The European Commission against Racism and Intolerance (CoE-ECRI) recommended that Serbia give the Commissioner for the Protection of Equality the power to take up issues of discrimination ex officio.[19]

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[20]

20. CoE stated that CoE-Commissioner, while acknowledging the progress made in advancing the rights of LGBTI persons, noted that homophobia and discrimination against them persisted.[21] AI recommended ensuring that the Anti-Discrimination Law and the Commissioner for Discrimination provide LGBTI persons and organizations effective protection and access to effective remedies.[22] XY-Spectrum recommended, inter alia, to include sex characteristics as a specific basis in antidiscrimination legislation.[23]

2. Civil and political rights

Right to life, liberty and security of person[24]

21. CoE-CPT stated that a significant number of allegations of physical ill-treatment of criminal suspects by the police were received.[25]

22. Regarding Serbia's 2012 UPR recommendations on torture[26], BCHR recommended inter alia, that Serbia undertake the necessary measures against impunity for crimes of torture, inhumane and degrading treatment, and that it harmonize the legal torture definition in line with the obligations arising from the Committee Against Torture.[27] CoE-CPT observed shortcomings in relation to the delayed notification of custody, the access to and the poor performance of ex officio lawyers in preventing ill-treatment, and the lack of confidentiality of medical examinations of detained persons.[28]

23. CoE-CPT recommended that the Ministry of the Interior and regional police directorates deliver a strong message that the ill-treatment of detained persons is illegal, unprofessional, and will be the subject of appropriate sanctions.[29] CoE-CPT also recommended that the relevant authorities ensure that an investigation is carried out into every allegation of ill treatment, that senior officers are held accountable for their line-management responsibilities, and that an independent police complaints mechanism is established in the new Law on Police.[30]

Administration of justice, including impunity and the rule of law[43]

24. The Group of States Against Corruption (CoE-GRECO) stated that it would appear that the judiciary and prosecutor services as branches of power are exposed to undue outside influence and pressure exerted by politicians and the media and that another reason for concern with respect to the balance of state powers was the currently low profile of the National Assembly, which did not exercise proactive and meaningful control functions.[44]

25. ICJ stated that despite Serbia accepting UPR recommendations on independence of the judiciary and despite legal reforms undertaken, Serbia's legal framework still allowed the executive and the legislative powers to exercise undue influence on the High Judicial Council (HJC) and the State Prosecutorial Council (SPC).[45]

26. ICJ asserted that the legislative power held an undeniable influence over the appointment and dismissal of judges and prosecutors, thus threatening their independence.[46]

27. ICJ recommended precluding any involvement of the National Assembly in the appointment and dismissal of judges, court presidents, public prosecutors, and deputy public prosecutors and provide that the selection and appointment of court presidents involve the judges of their respective court.[47] GRECO recommended that Serbia continue reforming the system of appraisal of judges' and prosecutors' performance, inter alia, by introducing more qualitative evaluation criteria.[48] ICJ urged for the adoption of constitutional amendments aimed at excluding the representatives of the legislative and executive branch from membership in the HJC and the SPC.[49]

28. ICJ indicated that the cases of political pressure against judges and prosecutors should be strictly investigated and sanctioned and recommended putting in place a codified procedure for the protection of judges and prosecutors from attacks on their independence, autonomy, and professional integrity.[50]

29. AI asserted that impunity persisted in Serbia for crimes under international law as, since the 2013 review, the number of indictments raised by the Office of the War Crimes Prosecutor (OWCP) and prosecutions concluded at the Special War Crimes Chamber at Belgrade District Court had remained low.[51]

30. HRW indicated that despite the war crimes strategy adopted, which sets out criteria for prioritizing cases and commitment to prosecute high-ranking officials suspected of war crimes, progress appeared to have stalled. Between January 2017 and June 2017, the OWCP issued only 1 indictment against 1 person.[52] CoE-ECRI recommended that authorities efficiently implement the Strategy for the Prosecution of War Crimes and publicly acknowledge that the Srebrenica massacres constituted genocide.[53] AI recommended prioritizing the investigation and prosecution of complex cases where commanders or other superiors were suspected of criminal responsibility for crimes under international law.[54]

31. AI highlighted that the OWCP faced considerable challenges in conducting investigations, including little assistance from the War Crimes Investigation Service, threats from former police officials, and concerns about the capacity of the Witness Protection Unit.[55] CoE indicated that CoE-Commissioner highlighted the need to provide the OWCP with all necessary resources, reinforce the witness protection system and effectively investigate and prosecute all reported cases of threats and intimidation of witnesses.[56]

32. CoE-CPT asserted that the decrease of the overall prison population was mainly related to the enforcement of the 2012 Law on Amnesty rather than to a more frequent recourse to the available alternative measures of detention.[57] CoE-CPT stressed the importance of confidential medical examinations of inmates and accurate recording of injuries in prisons in order to demonstrate increased resolve in tackling ill-treatment of inmates by staff.[58] CoE-CPT provided recommendations regarding inter alia, the improvement of psychological and psychiatric care for inmates and the removal of obstacles to access to specialised care for remand and sentenced prisoners.[59]

33. The Office for Democratic Institutions and Human Rights (OSCE-ODIHR) stated its election assessment mission April 2017 concluded that contestants for the presidential election were able to campaign freely. However, the campaign was dominated by the

candidate from the governing coalition, who benefited from the effectively blurred distinction between campaign and official activities. Unbalanced media coverage and credible allegations of pressure on voters and employees of state-affiliated structures and a misuse of administrative resources tilted the playing field. Regulatory and oversight mechanisms were not effectively utilized to safeguard the fairness of competition.[80]

Fundamental freedoms and the right to participate in public and political life[81]

34. CoE-ECRI was highly concerned about a continued rise in hate speech in Serbian public discourse, which was amplified by wide media coverage. Politicians and the media used inflammatory, pejorative and nationalistic language and regional tensions in the area of former Yugoslavia had risen sharply.[82] CoE-ECRI stated the application of the legislation against hate speech and violent hate crime was inefficient.[83]

35. CoE-ECRI asserted that despite progress achieved, incitement to hatred against groups living outside Serbia was not punishable under the Criminal Code, participation in the activities of racist groups was also not always punishable and public authorities were not placed under a positive duty to promote equality.[84] CoE stated that CoE-Commissioner had stressed the need to impose adequate, dissuasive sanctions for all hate crimes in order to prevent recurrence.[85]

36. AI stated that Serbia had failed to fully implement legislation introduced in 2012 to ensure the identification, investigation and prosecution of hate crimes and recommended ensuring that police, prosecutors and judiciary are fully aware of their responsibilities in this regard.[86]

37. CoE-ECRI recommended that the parliament and government adopt codes of conduct prohibiting hate speech, authorities develop a strategy on combating cyber hate speech and reinforce (self-) regulation of media in order to prevent hate speech.[87]

38. JS5 stated that despite commitments on 2012-UPR recommendations on freedom of association, civil society organizations and activists in Serbia continued to be subject to smear campaigns and attacks.[88]

39. JS5 recommended that Serbia take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures which unwarrantedly limited the right to association.[89]

40. JS4 stated that the situation of human rights defenders in Serbia was deteriorating. Attacks on activists had been rising steadily since 2014, with failure of state authorities to respond to these attacks.[90] AI referred to the shrinking space for human rights defenders in Serbia and to its concern about frequently reported physical and verbal attacks against them, including misogynistic and discriminatory smear campaigns against women human rights defenders.[91]

41. JS5 stated that none of the five 2012-UPR recommendations on human rights defenders were implemented.[92] It asserted that Serbia had failed to take adequate measures to safeguard these rights highlighting intimidation, attacks and harassment of human rights defenders and journalists who reported on sensitive issues, including LGBTI rights, transitional justice, corruption or government accountability.[93] JS5 recommended, inter alia, that Serbia conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring perpetrators of such offenses to justice.[94]

42. JS4 recommended that Serbia end impunity of attacks on activists, that the government limit its influence on media and that it end the defamation campaign against activists and organizations who are critical towards authorities.[95] JS5 recommended that senior government officials should publicly condemn instances of harassment and intimidation of civil society activists and journalists.[96]

43. JS5 stated the government had not taken effective measures to fully implement 2012-UPR recommendations on freedom of expression and access to information, underscoring that in practice, independent journalists and media outlets who questioned state policies continued to face a number of arbitrary restrictions and persecution.[97] CoE

underscored that the CoE-Commissioner had stated that acts of violence against journalists continued to affect their freedom of expression.[79]

44. JS5 asserted that journalists in Serbia continued to be subjected to harassment, intimidation, threats and physical attacks, forcing some to resort to self-censorship to avoid reprisals.[80] HRW indicated attacks to journalists came as a result of reporting on sensitive issues including war crimes and government corruption with weak state response, despite accepted recommendations from Serbia's previous UPR.[81] CoE highlighted that the CoE-Commissioner called on Serbian authorities to live up to their positive obligation to initiate effective investigations in all cases of physical violence or verbal threats against journalists.[82]

45. AI stated that under the present Prime Minister, government interference in the media had intensified and become personalized through public attacks by members of the government on independent journalists critical of the government or conducting investigations into government activities.[83] HRW recommended that Serbia publicly and unequivocally condemn all attacks against journalists and media outlets carried out in retaliation for their work.[84]

46. JS5 underscored that in 2014, a set of new media laws was approved which mandated media plurality but in practice, however, the process of privatisation of media had led to increasing concentration of ownership of local media.[85] AI recommended that Serbia support editorial independence and pluralism in the media, including through greater transparency on advertising and other revenues.[86]

47. JS5 stated that Law on access to public information was not fully in line with European standards and should be further strengthened to ensure enforcement of the decisions of the Commissioner for Free Access to Public Information of Public Importance, who oversees the implementation of the law, including in cases where journalists and individual's requests related to corruption or where high ranked government officials were implicated.[87]

48. JS5 recommended that Serbia amend the 2016 Public Assemblies Law in order to fully guarantee the right to freedom of assembly, in particular regarding restrictions on the place of assemblies, justifications for banning and prohibiting assemblies, and in order to provide a recourse for judicial review and effective remedy in cases of unlawful denial of this right.[88]

Prohibition of all forms of slavery[89]

49. JS1 stated that the highest percentage of identified victims of human trafficking in Serbia were its citizens, mainly being exploited internally, with a high percentage of children.[90] JS1 stated in the past few years, the number of reports of suspected human trafficking among migrants and refugees had increased.[91]

50. The Group or Experts on Action against Trafficking in Human Beings (CoE-GRETA) urged authorities to take further steps to ensure that all victims of trafficking were properly identified and that they pursue a proactive approach to the identification of victims of trafficking for labour exploitation by encouraging labour inspection in the sectors most at risk.[92]

51. JS1 indicated trafficking in children was a criminal offence but not the sale of children per se, and that a new Strategy and Action Plan for the Prevention and Combating Trafficking in Human Beings and Protection of Victims had not yet been adopted.[93] JS1 recommended that Serbia adopt without delay this strategy and criminalise the sale of children.[94]

52. JS1 recommended to actively protect the identity and safety of victim-witnesses of trafficking.[95]

Right to privacy and family life[96]

53. BCHR indicated that relevant authorities had not adopted an action plan for the implementation of the Personal Data Protection Strategy enacted in mid-2010, that

numerous provisions of other laws adopted before the Personal Data Protection Act had not been aligned with it and that major problems in personal data protection had arisen due to the lack of regulations on specific areas, such as video surveillance, direct marketing, security checks and processing of biometric data.[96] BCHR recommended that Serbia enact a new Personal Data Protection Act that will rely on the European Union regulation and take all required measures to ensure the enjoyment and protection of the right to privacy.[97]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[98]

54. BCHR indicated that the amendments to the Labour Act in 2014 was done without an appropriate public debate and recommended involving all social partners in all phases when amending the organic laws governing a set of citizens' rights.[99]

55. BCHR questioned the legal definition on the right to strike included in the current Act on Strikes and recommended adopting a new Act on Strikes with the full participation of social partners in its preparation.[100]

Right to social security[101]

56. BCHR asserted that in late 2014, two laws that reduced earnings of public sector employees and pensions were adopted, which caused further impoverishment of the citizens of Serbia, and recommended repealing the Law on Temporary Regulation on the Manner of Pension Payments.[102]

Right to education[103]

57. JS1 underscored that children from remote villages, underdeveloped municipalities and rural areas had a very difficult access to preschool education, while education of children with disabilities did not progress at the desired pace.[104] It recommended that Serbia consistently implement the policy of inclusive approach to education, without exception and improve the prevention of early school drop-out of vulnerable groups of children.[105]

4. Rights of specific persons or groups

Women[106]

58. JS4 underscored the high number of women murdered in the context of domestic and intimate partner violence. It asserted that the State had no system for monitoring and analysing this phenomenon, a new National Strategy to prevent all forms of violence against women 2016-2020 had not been adopted, and a systematic approach to combatting stereotypes and discrimination of women, promotion of gender equality and elimination of all forms of violence against women and girls in the education system, had not been established.[107]

59. CoE pointed out the CoE-Commissioner called on the authorities to ensure that all acts of violence against women, including domestic violence, are effectively investigated and prosecuted.[108] JS4 recommended inter alia, that Serbia completely harmonise criminal legislation with EU standards, increase security of women against gender-based violence, and ensure effective and accessible legal protection and psychosocial support for victims.[109]

60. JS4 indicated that there were municipalities which had not established equality mechanisms.[110] JS4 recommended that Serbia establish functional mechanisms to implement and monitor the implementation of policies for combating discrimination and gender equality and ensure participation of civil society organisations, particularly women's organisations, in working groups for drafting laws, strategic and action plans.[111]

61. KROS stated that Romani women and girls faced multi-sectoral discrimination and referred to early, arranged marriage and its social consequences, as well as to the exclusion of Roma girls from the education system, resulting in their exclusion from the labour market.[112]

Children[113]

62. GIEACPC stated that while the Government had accepted several 2012-UPR recommendations on prohibiting corporal punishment in all settings, the Law on Prevention of Domestic Violence 2016 was enacted without addressing the issue of corporal punishment, and corporal punishment remained lawful in the home, alternative care and non-educational day care settings.[114]

63. JS4 stated that there was no efficient monitoring of cases in which children were direct victims of violence, and that the practice of Centres for Social Welfare of moving children into foster care without previously providing them with judicial protection continued.[115]

64. ECPAT-International recommended that Serbia define and criminalise "child pornography", in line with the definitions contained in the international and regional legal instruments, define and criminalise "virtual child pornography", and establish extraterritorial jurisdiction in those cases where the alleged offender is a habitual resident in Serbia and has allegedly committed an offence abroad.[116]

65. ECPAT-INTERNATIONAL also recommended, inter alia, that the Law on Special Measures for the Prevention of Crimes against Sexual Freedoms Involving Minors be amended to place greater restrictions on access to data in the register.[117] JS4 recommended that Serbia amend criminal legislation in order to enhance the rights of the juvenile victims, improve their protection and regulate individual responsibility of professionals in cases of failure to protect the child.[118]

66. JS1 recommended that Serbia take measures to ensure that the new Constitution of the Republic of Serbia contains general guarantees of the rights of the child and the general principles of the Convention on the Rights of the Child and that it adopt the systemic law on the rights of the child.[119]

Persons with disabilities[120]

67. MDRI-S stated that despite the government's efforts and on-going reforms, institutionalization of persons with mental disabilities remained dominant "service" offered by the state.[121] CoE stated the CoE-Commissioner called on authorities to draw up and implement, with the active involvement of persons with disabilities, a comprehensive and ambitious plan that should be based on a policy of zero admission to institutions and their replacement with community-based services.[122]

68. PIN indicated discrimination towards people with intellectual and psychosocial disabilities persisted on the labour market.[123]

69. MDRI-S stated that women with disabilities in residential and psychiatric institutions were at increased risk of abuse, sexual assaults, rape by other clients and/or staff.[124] MDRI-S recommended that Serbia prohibit administration of contraceptives and abortions without informed consent of women with disabilities and develop functional and meaningful complaint mechanisms and measures for protection from institutional violence.[125]

70. HRW recommended that Serbia, protect children and young people with disabilities in institutions from harm and abuse, and ensure persons with disabilities enjoy their right to health, including their right to free and informed consent to medical treatment.[126]

71. CoE stated the CoE-Commisioner expressed concern that persons with disabilities in Serbia may be fully deprived of legal capacity and called on the authorities to fully and effectively align relevant domestic law and practice with international standards.[127] CIL-Serbia recommended, inter alia, that Serbia make all polling stations physically accessible for people with disabilities and abolish the Constitutional norm that prevents persons deprived of legal capacity from enjoying voting rights.[128]

72. MDRI-S recommended that Serbia adjust and harmonize the legislation and practice that will ensure that deprivation of legal capacity is not used as a basis for deprivation of liberty of persons with mental disabilities.[129]

Minorities and indigenous peoples[130]

73. CoE-Advisory Committee Protection of Minorities noted commendable legislative provisions on the rights of persons belonging to national minorities, but indicated however, that a comprehensive and strategic approach to the integration of national minorities in Serbian society was still lacking. Xenophobia and religious intolerance remained present and racist attacks against persons belonging to national minorities had occurred.[131]

74. It recommended that Serbia promote the effective participation of national minorities, in electoral processes and address their underrepresentation in public administration.[132] It also recommended that Serbia revise the Law on National Councils of National Minorities, in order to ensure the effective participation of persons belonging to national minorities in all matters concerning them.[133]

75. Regarding 2012-UPR recommendations on non-discrimination against Roma, JS2 stated that Roma were still often discriminated and subjected to discriminatory practices, mostly in cases related to employment, education and housing.[134] CoE-ECRI stated that violence against Roma was recurrent.[135] ERRC recommended that Serbia publicly condemn and sanction all forms and instances of discrimination based on ethnicity by public and/or private actors, in particular those targeting Roma community and to eradicate all forms of spatial segregation and ghettoization and ensure equal treatment and access to services for Roma communities in Serbia.[136]

76. JS3 stated that despite positive steps, actions to address discrimination against Roma stemming from 2012-UPR recommendations were not fully implemented, and recommended enhancing the inclusion of Roma in the process of the implementation and monitoring of the Strategy for the Social Inclusion of Roma 2016-2025 and provide this strategy with sufficient technical and financial resources.[137]

77. KROS highlighted that there appeared to be a near 100% exclusion of Roma from work in public institutions.[138] KROS underscored Roma were extremely underrepresented in the National Assembly and in local and regional representative bodies.[139]

78. JS3 referred to informal Roma settlements with dire living conditions and constant threat from forced evictions.[140] JS3 recommended that Serbia provide Roma in informal settlements with access to basic infrastructure and services, provide Roma with the security of tenure in all cases, and ensure that evictions of informal Roma settlements are not conducted before all other alternatives are being exhausted and the affected community consulted and provided with alternatives.[141]

79. JS3 asserted that various forms of discrimination in education were the main factor that threatened the rights of members of the Roma community in the field of education.[142] ERRC asserted primary school completion rate for Roma children was considerably lower (63%) than for non-Roma children (94.5%).[143] JS3 indicated that although in the past period some progress had been achieved, the share of Roma children in special education schools was still far too high, and there was still a very widely implemented practice of transferring Roma children from ordinary schools to special education schools.[144]

80. JS3 recommended that Serbia introduce measures aimed at desegregation of Roma children from schools and provide them with the good quality education, on non-discriminatory basis, and that Serbia assess the situation of Roma enrolled in so-called "special education" schools and provide them with the immediate transfer to regular schools, additional educational support.[145]

81. JS1 asserted there was pronounced ethnic distance, intolerance and prejudice deeply rooted in the value system of children and young people.[146] JS1 recommended that Serbia, inter alia incorporate contents and programs on the culture of nations living in Serbia, values of intercultural society, tolerance and peaceful coexistence within the regular curriculum, at all levels of education and for all children.[147]

Migrants, refugees, asylum seekers and internally displaced persons[148]

82. AI explained that since 2013, tens of thousands of refugees had travelled through Serbia, most of them intending to seek international protection in the European Union.[149]

BCHR asserted that since 2015, Serbia had started to provide humanitarian accommodation to migrants without making efforts to establish the legal status of these people.[150] HRW asserted that despite Serbia's acceptance of a relevant 2012-UPR recommendation, in 2016 it only granted refugee status to 19 asylum seekers and as of June 9, 2017 it had not granted anyone the status of a refugee, with thousands of pending claims.[151]

83. AI affirmed that in April 2017, the Military Security Agency claimed that Serbian military personnel deployed to the border had, since mid-2016, prevented entry or returned "tens of thousands" of refugees and migrants at the Macedonian and Bulgarian borders, violating the principle of *non-refoulement*.[152] AI recommended that Serbia refrain from unlawful push-backs and the use of excessive force.[153]

84. BCHR recommended inter alia, that Serbia determine the status of every foreigner in the territory and take legal steps accordingly, apply the *non-refoulement* principle, ensure efficiency of the legal remedy in the asylum procedure and establish an efficient and coordinated system for integration of refugees into society.[154] HRW recommended, inter alia, that Serbia: issue a clear guidance to police officers that they should treat asylum seekers and migrants with respect and in a manner consistent with Serbia's human rights obligations.[155]

85. AI recommended ensuring that the proposed Law on Asylum includes binding timescales for procedures, including registration, issuance of identity cards, applications and interviews for individual determination procedures, and appeals.[156]

86. HRW indicated that Serbia lacked formal age assessment procedures for unaccompanied children, putting older children at risk of being treated as adults instead of receiving child protection.[157] JS1 recommended that Serbia ensure preliminary identification and registration of all children in the first contact, regardless of whether they are asylum seekers, refugees or migrants and establish a human and dignified age assessment system.[158]

Stateless persons[159]

87. JS2 stated that the groups most at risk of statelessness were those who were not registered in the birth registry, persons of undetermined nationality, and persons who were registered in the registry books that were lost or unavailable.[160] ERRC highlighted the lack of birth registration documents for many Roma in Serbia, stemming from social exclusion, discrimination and forced movement in the 1990s and recommended that Serbia amend the Law on Registries to ensure that all births are registered immediately.[161]

88. JS3 affirmed there was still no legally binding instrument that would provide Roma children born from undocumented mother to be registered in birth registry books immediately after birth.[162] JS2 recommended that Serbia carry out necessary measures, including legislative amendments, to ensure that all children born in Serbia have access to timely birth registration immediately after birth without discrimination and regardless of the legal or documentation status of their parents.[163]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
BCHR	Belgrade Center for Human Rights, Belgrade (Serbia);
CIL-Serbia	Center for Independent Living Serbia, Belgrade (Serbia);
ECPAT International	ECPAT International, Bangkok, Thailand;
ERRC	European Roma Rights Centre, Budhapest (Hungary);
GIEACPC	Global Initiative to End all Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern

	Ireland).
HRW	Human Rights Watch, New York (United States of America).
ICJ	International Commission of Jurists, Geneva (Switzerland).
KROS	Coalition of Serbian Roma Youth, Belgrade (Serbia).
MDRI-S	Mental Disability Rights Initiative – Serbia, Belgrade (Serbia).
PIN	People in Need, Prague (Czechia).
XY-Spectrum	XY Spectrum, Belgrade (Serbia).

Joint submissions:

JS1	**Joint submission 1 submitted by**: Coalition for Monitoring Child Rights in Serbia, Child Rights Centre, Uzice Child Rights Centre, ASTRA - Anti-trafficking Action, Belgrade Centre for Human Rights, with the written comments, contributions and/or support from the members of the Network of Organisations for Children: Praxis, Society for Development of Children and Youth "Open Club", Play, EduLink, Group for Children and Youth "Indigo", Foundation SOS Children's Village Serbia, Association for Helping Children with Special Needs, Our dreams, Centre for Work with Children, Youth and Family "Vrdnicak", Friends of Children of Serbia, Association of Citizens "Kokoro" - Bor, Initiative for inclusion VelikiMali, CA Parent from Sombor, Centre for the Production of Knowledge and Skills, Belgrade (Serbia).
JS2	**Joint submission 2 submitted by**: Praxis, Institute on Statelessness, European Network on Statelessness and European Roma Rights Centre.
JS3	**Joint submission 3 submitted by**: YUCOM (Lawyer's Committee for Human Rights), CHRIS (Network of Committees for Human Rights in Serbia), and NGO Equality.
JS4	**Joint submission 4 submitted by**: Women in Black (WB), Autonomous Women's Centre (AWC), and Astra-anti trafficking action.
JS5	**Joint submission 5 submitted by**: CIVICUS World Alliance for Citizen Participation, Human rights House Belgrade (Lawyer's Committee for Human Rights, Belgrade Center for Human Rights, Civic Initiatives, Helsinski Committee for Human Rights and Policy Center) and Human Rights House Foundation.

National human rights institution:

PoC	Protector of Citizens of the Republic of Serbia* Belgrade (Serbia).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France). **Attachments** CoE-CPT, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Report to the Government of Serbia on the visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 26 May to 5 June 2015. CoE-Commissioner, Commissioner for Human Rights of the Council of Europe, Report by Nils Muiznieks, Commissioner for Human Rights of the Council of Europe, following his visit to Serbia from 16 to 20 March 2015. CoE-ECRI, European Commission against Racism and Intolerance (ECRI), Ecri Report on Serbia (fifth monitoring cycle), adopted on 22 March 2017, published on 16 May 2017. CoE-GRECO, Group of States against Corruption, Council of Europe, Fourth Evaluation Round, Corruption prevention in respect of members of parliament, judges and prosecutors, Evaluation report – Serbia, adopted by GRECO at its 68th Plenary Meeting (Strasbourg, 15-19 June 2015).

	CoE-GRETA, Group of Experts on Action against Trafficking in Human Beings, Council of Europe. Report concerning the implementation of the Council of Europe convention on Action against Trafficking in Human Beings by Serbia, first evaluation round, adopted on 8 November 2013, Published on 16 January 2014. CoE-Protection of Minorities, Advisory Committee on the Framework Convention for the Protection of National Minorities, Council of Europe. Third Opinion on Serbia, adopted on 28 November 2013. CoE-Regional or Minority Languages, European Charter for Regional or Minority Languages. Application of the Charter in Serbia, 3rd Monitoring Cycle, Report of the Committee of Experts on the Charter (adopted on 4 November 2015) and Recomm3endation of the Committee of Minister of the Council of Europe on the application of the Charter by Serbia (adopted on 27 April 2016). CoE-Venice Commission, European Commission for Democracy through Law (Venice Commission), Opinion on the Draft Amendments to the Law on the High Judicial Council of Serbia, adopted by the Venice Commission at its 100th Plenary Session, Rome, 10-11 October 2014.
OSCE/ODIHR	Office for Democratic Institutions and Human Rights - Organization for Security and Cooperation in Europe

[2] POC, p. 2.
[3] POC, pp. 2 and 3.
[4] POC, p. 3.
[5] POC, p. 3.
[6] POC, p. 4.
[7] POC, p. 7.
[8] POC, p. 7.
[9] POC, p. 7.
[10] POC, p. 7.
[11] POC, p. 8.
[12] POC, p. 8.
[13] POC, p. 8.
[14] POC, p. 3.
[15] POC, p. 4.
[16] POC, p. 4.
[17] POC, p. 4.
[18] POC, p. 4.
[19] POC, p. 5.
[20] POC, p. 6.
[21] POC, p. 6.
[22] POC, p. 6.
[23] POC, p. 6.
[24] POC, p. 5.
[25] POC, p. 6.
[26] POC, p. 6.
[27] For relevant recommendations, A/HRC/23/15/Add.1, paras. 131.4, 131.5, 131.7, 131.9-131.11, 132.2-132.5, 132.15, and 133.5.
[28] CoE, p. 4.
[29] JS1, pp. 3 and 4.
[30] CoE-CPT, p. 13.
[31] CoE-ECRI, p. 10.
[32] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 131.12, 131.13, 132.13, 132.14, 132.17, 132.25, 132.26, 132.29, 132.30, 132.62, 132.79.
[33] CoE, p. 3. See also: CoE-ECRI, pp. 9 and 10.
[34] AI, pp. 1 and 10.
[35] XY Spectrum, pp. 1-4.
[36] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 131.3, 131.4, 131.20, 132.11, and 133.4.

[37] CoE-CPT, p. 6.
[38] Recommendation 133.3 (Tunisia), 133.4 (Costa Rica).
[39] BCHR, p. 2.
[40] CoE-CPT, p. 6.
[41] CoE-CPT, p. 17.
[42] CoE-CPT, pp. 17 and 18.
[43] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 131.30, 132.64-132.70, 132.72, and 132.73.
[44] CoE-GRECO, p. 5.
[45] ICJ, p. 3. See also: GRECO, p. 5.
[46] ICJ, pp. 1 and 2.
[47] ICJ, p. 5. See also: CoE-GRECO, p. 5, and European Commission for Democracy through Law (Venice Commission), p. 14.
[48] GRECO, p. 5.
[49] ICJ, p. 4.
[50] ICJ, pp. 5 and 6.
[51] AI, p. 5. See also: CoE-ECRI, p. 10.
[52] HRW, p. 2. See also: AI, pp. 5 and 6 and CoE-ECRI, p. 10.
[53] CoE-ECRI, p. 10.
[54] AI, p. 10. See also: CoE., p. 2 and HRW, p. 3.
[55] AI, p. 5. See also: HRW, p. 2.
[56] CoE., p. 2. See also: AI, p. 5 and HRW, p. 2.
[57] CoE-CPT, p. 6.
[58] CoE-CPT, p. 6.
[59] CoE-CPT, p. 7.
[60] OSCE-ODIHR, p. 2.
[61] For relevant recommendations, see /HRC/23/15/Add.1, paras. 131.14-131.19, 132.8, 132.27, 132.28, 132.31, 132.32, 132.75-132.78, 132.80-132.82, 132.98, 133.6, 133.7, and 133.8-133.12.
[62] CoE-ECRI, p. 9.
[63] CoE-ECRI, pp. 9 and 10.
[64] CoE-ECRI, p. 9.
[65] CoE., p. 3.
[66] AI, pp. 4 and 10.
[67] CoE-ECRI, p. 10.
[68] JS5, p. 3.
[69] JS5, p. 12.
[70] JS4, p. 1.
[71] AI, p. 3.
[72] JS5, p. 5.
[73] JS5, p. 5. See also: JS4, p. 1, AI, p. 3 and JS4, p. 1.
[74] JS5, p. 12.
[75] JS4, p. 2.
[76] JS5, p. 12.
[77] JS5, p. 8.
[78] CoE., p. 3.
[79] JS5, pp. 6, 8 and 9. See also: AI, pp. 1 and 2.
[80] HRW, p. 4.
[81] CoE., p. 3. See also: JS5, p. 13 and HRW, p. 4.
[82] AI, p. 2. See also: HRW, p. 3, AI, p. 10 and CoE., p. 3.
[83] HRW, p. 4.
[84] JS5, p. 8.
[85] AI, p. 10.
[86] JS5, p. 10.
[87] JS5, p. 13.
[88] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 131.22, 132.48, and 132.51-132.53.
[89] JS4, p. 12.
[90] JS1, p. 12.
[91] CoE-GRETA, p. 6. See also: JS4, pp. 12 and14 and JS1, p. 12.
[92] JS1, p. 13. See also: JS4, p. 14.
[93] JS1, p. 13. See also: JS4, p. 14.
[94] JS4, p. 14.
[95] For relevant recommendations, see A/HRC/23/15/Add.1, paras.132.8, 132.93 and 32.96.

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[175] HRW, p. 1.
[176] AI, p. 8.
[177] AI, p. 10.
[178] HCHR, p. 5.
[179] HRW, pp. 1 and 2. See also: AI, pp. 9 and 10.
[180] AI, p. 10.
[181] HRW, p. 2.
[182] JS1, p. 6. See also: HRW, pp. 1 and 2.
[183] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 132.8, 132.9, and 132.46.
[184] JS2, pp. 3 and 6.
[185] UNHC, p. 6.
[186] JS3, p. 9. See also: JS2, p. 5.
[187] JS2, pp. 3 and 4. See also: JS3, p. 10.